

1 Semha Alwaya (CSBN 141999)
2 Trelawney James-Riechert (CSBN 160853)
3 A. Mark Hom (CSBN 154777)
4 Law Offices of Semha Alwaya
5 2200 Powell Street, Suite 110
6 Emeryville, California 94608
7 Telephone: (510) 595-7900
8 Facsimile: (510) 595-9049
9 E-mail: salwaya@alwayalaw.com

10 Attorney for Defendant
11 TIG INSURANCE COMPANY
12 ERRONEOUSLY SUED HEREIN AS
13 TIG SPECIALTY INSURANCE COMPANY

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AIU INSURANCE COMPANY, a New
York corporation,

Plaintiff,

vs.

ACCEPTANCE INSURANCE
COMPANY, a Delaware
corporation, TIG SPECIALTY
INSURANCE COMPANY, a
California corporation, ROYAL
INSURANCE COMPANY OF
AMERICA, a Delaware corporation,
AMERICAN SAFETY RISK
RETENTION GROUP, IND., a
Vermont corporation, and DOES 1
through 10, inclusive,

Defendants.

No. C 07-05491 PJH

**DEFENDANT TIG INSURANCE
COMPANY'S RESPONSE TO
PLAINTIFF AIU INSURANCE
COMPANY'S REQUEST FOR
PRODUCTION, SET ONE**

PROPOUNDING PARTY: PLAINTIFF AIU INSURANCE COMPANY

RESPONDING PARTY: DEFENDANT TIG INSURANCE COMPANY

SET NO.: ONE

1 Pursuant to Federal Rules of Civil Procedure Rule 34(b)(2) and Local
2 Rule 34-1, Defendant TIG INSURANCE COMPANY ("TIG") hereby responds to
3 Plaintiff AIU INSURANCE COMPANY'S ("AIU") Request for Production, Set
4 No. One.

5 **GENERAL OBJECTIONS**

6 1. TIG objects to each and every one of these demands to the extent
7 that they seek information or evidence that is neither relevant to the subject
8 matter of this action nor reasonably calculated to lead to the discovery of
9 admissible evidence.

10 2. TIG bases these responses on the assumption that, in
11 propounding these demands, AIU does not seek information protected
12 against discovery by: (a) the attorney-client privilege; (b) the work-product
13 doctrine; (c) constitutional and statutory rights of privacy; (d) the
14 confidentiality of statements made or conduct engaged in for settlement
15 purposes; (e) confidential trade secrets or other proprietary information
16 privileges; or (f) information that is not relevant to the subject matter of this
17 lawsuit and not reasonably calculated to lead to the discovery of admissible
18 evidence. To the extent that any or all of the demands, or any parts thereof,
19 could be construed to seek such information or evidence, TIG objects
20 thereto, and asserts the foregoing privileges and objections to the greatest
21 extent permitted by law. Furthermore, inadvertent disclosure of any such
22 information shall not constitute a waiver of any of these privileges and
23 objections nor of TIG's right to object to the use of any such information
24 during any subsequent proceeding.

25 3. TIG objects to each and every demand on the grounds that it has
26 not concluded its investigation of the facts relating to this case, formal
27 discovery, or preparation for trial. TIG reserves the right to produce evidence
28

1 of any subsequently discovered fact or facts, to alter or amend its responses
2 set forth herein and otherwise to assert factual and legal contentions as
3 additional facts are ascertained, analyses are made, and legal research is
4 completed. TIG objects to each and every demand insofar as it may be
5 construed as limiting or restricting its right to rely upon any document or
6 information for any purpose whatsoever, including the use of documents or
7 information as evidence at any subsequent hearing, trial, or proceeding.

8 4. TIG objects to each and every one of these demands to the extent
9 that they seek information or material prepared in anticipation of litigation
10 or for trial of this or any matter.

11 5. Any objection by TIG asserted herein based on privacy is
12 asserted both on behalf of TIG and other persons or entities whose privacy
13 rights are affected.

14 6. TIG objects to each and every demand to the extent it seeks
15 information not in TIG's possession, custody, or control on the grounds that
16 it is unduly burdensome or oppressive.

17 7. TIG will make reasonable efforts to respond to each and every
18 demand, to the extent that no objection is made, as TIG understands and
19 interprets the demand. If AIU subsequently asserts an interpretation of any
20 demand that differs from that of TIG, TIG reserves the right to supplement
21 its objections and responses.

22 8. To the extent that any demand calls for information already in
23 the possession of AIU or its counsel, TIG objects on the grounds that the
24 demand is unnecessary and unduly burdensome and constitutes
25 annoyance, harassment, and oppression of TIG.

26 9. TIG reserves the right to use at trial or deposition, or in support
27 of or opposition to any motion, any and all writings heretofore or hereafter
28

1 produced by parties to this action or by third persons. To the extent that TIG
 2 identifies certain writings or delineates any facts, it does so without
 3 prejudice to its right to establish at a later date any additional facts that
 4 may be contained within or discovered as a result of any additional
 5 investigation and discovery.

6 10. Inadvertent identification or production of privileged writings or
 7 information by TIG is not a waiver of any applicable privilege. Production of
 8 writings or information does not waive any objection, including but not
 9 limited to relevancy, or to the admission of such writings in evidence.

10 **ALL RESPONSES ARE SUBJECT TO THE GENERAL OBJECTIONS**

11 Each of the general objections set forth above is hereby incorporated
 12 by reference into each of the specific responses set forth below.
 13 Notwithstanding the specific response to any of the demands below, TIG
 14 does not waive any of the general objections made herein. Each of the
 15 general objections is asserted as to each of these demands propounded by
 16 AIU.

17 **RESPONSES**

18 **REQUEST FOR PRODUCTION NO. 1**

19 All DOCUMENTS identified by YOU (by document and/or category) in
 20 YOUR initial disclosures (original and amended, if any) served in this matter.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1**

22 Subject to all General Objections set forth above, TIG responds that
 23 any and all responsive documents have been identified, and that TIG will
 24 produce all relevant and non-privileged portions of its claim files. TIG
 25 further responds that the documents are voluminous. Therefore, they will be
 26 made available for review by AIU and/or its counsel, upon reasonable notice

1 to TIG, at TIG's corporate headquarters located at 250 Commercial Street,
 2 #500, Manchester, New Hampshire.

3 **REQUEST FOR PRODUCTION NO. 2**

4 All DOCUMENTS constituting, evidencing, relating or referring to all
 5 UNDERLYING CLAIMS.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2**

7 Subject to all General Objections set forth above, TIG responds that
 8 any and all responsive documents have been identified, and that TIG will
 9 produce all relevant and non-privileged portions of its claim files. TIG further
 10 responds that the documents are voluminous. Therefore, they will be made
 11 available for review by AIU and/or its counsel, upon reasonable notice to
 12 TIG, at TIG's corporate headquarters located at 250 Commercial Street,
 13 #500, Manchester, New Hampshire.

14 **REQUEST FOR PRODUCTION NO. 3**

15 All DOCUMENTS constituting, evidencing, relating or referring to each
 16 claim identified on the LOSS RUN.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3**

18 Subject to all General Objections set forth above, TIG responds that any and
 19 all responsive documents have been identified, and that TIG will produce all
 20 relevant and non-privileged portions of its claim files. TIG further responds that
 21 the documents are voluminous. Therefore, they will be made available for review by
 22 AIU and/or its counsel, upon reasonable notice to TIG, at TIG's corporate
 23 headquarters located at 250 Commercial Street, #500, Manchester, New
 24 Hampshire.

25 **REQUEST FOR PRODUCTION NO. 4**

26 All DOCUMENTS constituting, evidencing, relating or referring to all
 27 UNDERLYING CLAIMS for which RYLOCK sought defense and/or indemnity
 28

1 under the TIG POLICY(IES).

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4**

3 Subject to all General Objections set forth above, TIG responds that
 4 any and all responsive documents are voluminous and TIG will produce all
 5 relevant and non-privileged portions of its claim files. The files will be made
 6 available for review by AIU and/or its counsel, upon reasonable notice to
 7 TIG, at TIG's corporate headquarters located at 250 Commercial Street,
 8 #500, Manchester, New Hampshire.

9 **REQUEST FOR PRODUCTION NO. 5**

10 All DOCUMENTS constituting, evidencing, relating or referring to all
 11 UNDERLYING CLAIMS for which any entity sought defense and/or
 12 indemnity as additional insured(s) of the TIG POLICY(IES).

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5**

14 Subject to all General Objections set forth above, TIG objects to this
 15 request as seeking information that constitutes trade secrets. TIG also
 16 objects to this request in that it violates the rights of privacy of TIG's other
 17 insureds. TIG also objects to this request as irrelevant. TIG will not produce
 18 any documents in response to this request.

19 **REQUEST FOR PRODUCTION NO. 6**

20 All DOCUMENTS constituting, evidencing, relating or referring to all
 21 payments made for defense under the TIG POLICY(IES).

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6**

23 Subject to all General Objections set forth above, TIG objects to this
 24 request as irrelevant in that all payments made for defense under the TIG
 25 POLICY(IES) are outside of the policy limits. Subject to all stated objections,
 26 TIG responds that it will produce the requested information.

1 **REQUEST FOR PRODUCTION NO. 7**

2 All DOCUMENTS constituting, evidencing, relating or referring to all
3 payments made for indemnity under the TIG POLICY(IES).

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7**

5 Subject to all General Objections set forth above, TIG will produce the
6 requested information.

7 **REQUEST FOR PRODUCTION NO. 8**

8 The TIG POLICY(IES)

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8**

10 Subject to all General Objections set forth above, TIG objects to this
11 request as duplicative and unnecessary in that plaintiff attached copies of
12 all responsive TIG POLICY(IES) to their complaint in this matter. Subject to
13 the foregoing, TIG refers to its response to the following request.

14 **REQUEST FOR PRODUCTION NO. 9**

15 Certified copies of the TIG POLICY(IES)

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9**

17 Subject to all General Objections set forth above, TIG responds that it
18 will provide certified copies of its policies.

21 DATED: May 28, 2008

LAW OFFICES OF SEMHA ALWAYA

23 By:


Semha Alwaya

25 Attorney for Defendant TIG INSURANCE
26 COMPANY ERRONEOUSLY SUED
27 HEREIN AS TIG SPECIALTY INSURANCE
28 COMPANY

1
REQUEST FOR JURY TRIAL

2 TIG hereby requests trial by jury.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAW OFFICES OF SEMHA ALWAYA

By: Semha Alwaya
Semha Alwaya
Attorney for Defendant TIG INSURANCE
COMPANY ERRONEOUSLY SUED
HEREIN AS TIG SPECIALTY INSURANCE
COMPANY

POS

+

file